

**Remarks**

Favorable reconsideration of this application, in view of the above amendments and in light of the following remarks and discussion, is respectfully requested.

This Amendment is in response to the Office Action mailed on April 19, 2005. Claims 1-5 and 16-33 are pending in the Application and Claims 1-5 and 16-29 stand rejected. Claims 1 and 18 are amended and new Claims 30-33 are added by the present Amendment.

In the Office Action Claims 1-5, 16-22, and 25 were rejected under 35 U.S.C. § 102(b) as being anticipated by Paley (U.S. Patent No. 1,093,740); and Claims 23, 24, and 26-29 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Paley.

Applicants thank Examiner Stephen K. Cronin for the courtesy of an interview extended to Applicants' representative on June 7, 2005. During the interview, amendments to the claims as herein presented were proposed, and arguments as hereinafter developed were presented.

During the personal interview Applicants' representative explained the advantageous features of the present invention, including, but not limited to, the fact that the inventors of this application have overcome the problem in conventional manufacturing processes of applicable glass products by offsetting the axis of the collar mold in a roughing mold and in a finishing mold with respect to their vertical axes,<sup>1</sup> thus permitting the secondary body and the collar to be configured with different angular orientations with respect to the orientation of the main body. In addition, and separately, the advantageous embodiments of the present invention are also capable of having the collar project beyond a cross section of the main body, as shown, as a non-limiting examples, in Applicants' figures.

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<sup>1</sup> See, for example, Specification, page 3, line 19 – page 4, line 4.

As also explained during the personal interview and clearly discussed in Applicants' specification, in order to fabricate the claimed glass product, a collar mold is initially held in its traditional position in the roughing and finishing molds, that is, in the vertical position of the axis of the collar mold at the lower end of the cavity of the roughing mold and at the upper end of the cavity of the finishing mold, respectively. Such an arrangement is difficult to achieve industrially, since it essentially requires, for many forms of implementation of the product of the invention, that a ball of molten material be introduced into the cavity of the roughing mold through a non-vertical entrance section of the roughing mold. This characteristic is prejudicial to the distribution of the molten material in a compact and homogeneous mass at the bottom of the cavity of the roughing mold and especially near the collar mold. In fact, the contact of the molten material with the walls of the cavity is increased, and therefore, the cooling of the material by the mold also increases. The increased viscosity of the material that thereby results is harmful to the progression of the material toward the bottom of the cavity. The inventors of this application have overcome these problems with their advantageous glass product.<sup>2</sup>

In Paley, as illustrated in all drawing illustrations of that patent, there is no inclination of the reading tube 19 with respect to the body portion 11. In addition, "the tube 19 and neck 17 are substantially wholly within the horizontal cross-sectional circular outline of the body 11. With this construction the bottle 10 may be readily fitted into the seat or container on the centrifuging machine."<sup>3</sup>

An agreement with respect to the claims was reached during the personal interview. Examiner Cronin indicated on the interview summary (form PTO 413) that "Discussed proposed amendments to claim 1 to define the angular orientation of the secondary container

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<sup>2</sup> *Id.*

<sup>3</sup> Paley, lines 93-98.

body with respect to the collar and the main container body and/or to define the projection of the collar body with respect to the cross section of the main container body. It would appear that either of these changes would read over the prior art relied upon in the outstanding office action. An updated search and further consideration of the prior art of record, however is necessary.”

Claim 1 is amended to recite that the collar projects beyond a cross section of the main container body. Based at least on the foregoing discussion, the amendment to Claim 1, and the results of the personal interview, Applicants respectfully submit that the above-summarized rejections of Claims 1-5, 16, 17, 25, and 25-30 are now moot. Their withdrawal is respectfully requested.

In addition, Claim 18, as examined in the outstanding Office Action, recites the angular orientation features explained during the personal interview, which were agreed to be distinct from Paley. That is, Claim 18 recites that the main container body extends along its axis in a vertical direction, the collar extends along its axis at a first angle relative to the axis of the main container body, and the secondary container body extends along its axis at a second angle relative to the axis of the collar. Therefore, based on the agreement reached during the interview, Claim 18 should be allowed over Paley.

Claim 18 is herein rewritten in independent form. Thus, Applicants respectfully submit that Claims 18-24 should be allowed over Paley and request that the above-summarized rejections of Claims 18-24 be withdrawn. In addition, for the interest of expedited prosecution, Applicants submit the followings two remarks.

First, as to the rejection of Claims 23, 24, and 26-29, Applicants respectfully submit that the cited case law is being incorrectly applied. It is well understood that a “particular parameter must first be recognized as a result-effective variable, i.e., a variable which achieves a recognized result, before the determination of the optimum or workable ranges of

said variable might be characterized as routine experimentation.”<sup>4</sup> Therefore, the statement that “it would have been obvious to one of ordinary skill in the art at the time of the invention was made to form the angle of the collar to the main container body and the secondary container body at about 120 degrees, since it has been held that discovering an optimum value of a result effective variable involves only routine skill in the art,”<sup>5</sup> made in the outstanding Office Action in support of the rejection of Claims 23, 24, and 26-29 is irrelevant, unless substantial evidence is found in the record supporting a conclusion that the claimed variables are “result-effective.” However, the record is devoid of such evidence.

Secondly, during the personal interview, U.S. Patent No. 1,093,740 to Stevenson was brought up as a reference that could purportedly support a rejection of Applicants’ claims. As explained during the personal interview and in the amendment previously filed in this application, Applicants respectfully disagree. Stevenson is directed to a medicine dose measurer and bottle stopper. As shown in the figures of Stevenson, a perforated cork is inserted in a neck of a medicine bottle 1, and a branch 3 of a flask 4 is inserted in the perforation of the cork.<sup>6</sup>

Applicants respectfully assert that Stevenson does not teach or suggest, however, the claimed features of a collar integral with a main contained body having a closed bottom, and a secondary container body, as recited in independent Claim 1. Specifically, Applicants respectfully assert the flask 4 is not integral with the medicine bottle 1, but rather is inserted in the perforation of the cork inserted in the neck of the medicine bottle 1, and that the branch 3 of the flash 4 does not have a closed bottom.

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<sup>4</sup> See, for example, MPEP § 2144.05, citing *In re Antonie*, 559 F.2d 618, 195 USPQ 6 (CCPA 1977).

<sup>5</sup> See, Outstanding Office Action, page 3, item 5.

<sup>6</sup> Lines 49-54.

Applicants respectfully assert that such modifications to Stevenson would not have been obvious, as such modifications would change the principle of operation of the invention of Stevenson, in that Stevenson permits removal of the flask 4 from the medicine bottle 1.

Finally, Applicants have submitted new Claims 30-33, which find non-limiting support on the subject matter disclosed as follows: (1) as to Claims 30 and 31, on page 1, lines 18-23 of Applicants' specification; and (2) as to Claims 32 and 33, on FIGS. 1-8. Therefore, new Claims 30-33 are not believed to raise a question of new matter.<sup>7</sup> Because Claims 30-33 incorporate by reference all of the features of either Claim 1 or Claim 18, in view of the above-presented remarks, Applicants respectfully submit that new Claims 30-33 should be allowed over Paley.

Consequently, in view of the present amendment, no further issues are believed to be outstanding in the present application, and the present application is believed to be in condition for formal Allowance. A Notice of Allowance for Claims 1-5 and 16-33 is earnestly solicited.

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<sup>7</sup> See MPEP 2163.06 stating that "information contained in any one of the specification, claims or drawings of the application as filed may be added to any other part of the application without introducing new matter."

Application No. 09/534,973  
Reply to Office Action of April 19, 2005

Should the Examiner deem that any further action is necessary to place this application in even better form for allowance, the Examiner is encouraged to contact Applicants' undersigned representatives at the below listed telephone number.

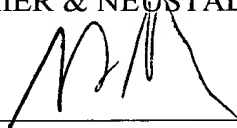
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Respectfully submitted,

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